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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No.7245 of 2007

PETITIONER Satyanarayan Sethiya, age about 40 years, s/o Late Shri Pancham Sethiya, Post Patwari, Halka No. 100, Jagdalpur, District Bastar(CG)

Versus

RESPONDENTS

1 State of Chhattisgarh, Through : Secretary, (Revenue Department), D.K.S. Bhawan, Raipur (C.G.)
2 Collector, District Bastar(CG)
3 Virendra Jha, Patwari, P.C. Circle No. 108 Kavapal, Tahsil Jagdalpur, District Bastar(CG)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Ajay Shrivastava, counsel for the petitioner.

Shri Ajay Dwivedi, Panel Lawyer, for the State/ respondents No. 1 & 2 on advance copy.

Shri Prafull Bharat, counsel for respondent No.3. He states that he has filed a Caveat Petition today itself.

ORAL ORDER
(07.12.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

Learned counsel for the petitioner argues that earlier by order dated 19.7.2007, the petitioner was transferred from PC No. 49 Bajavand, Tehsil Jagdalpur to PC No.60(A) Jagdalpur on administrative grounds. Respondent No.3 was also transferred from PC No.102, Ghatpadampur, Tehsil Jagdalpur to PC No.108, Kavapal, Tehsil Jagdalpur. Thereafter, by order dated 31.8.2007, respondent No.3 was brought to the place of the petitioner and the petitioner was kept at the option of Collector of the district and now the petitioner has been given posting to PC No.110 of Tehsil Jagdalpur. He submits that all this exercise has been done to accommodate respondent No.3.

I have considered the point raised by learned counsel for the petitioner.

After going through the contents of the writ petition and the records annexed with the writ petition as also after hearing learned

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counsel for the petitioner, it does not appear that the impugned order has been passed to accommodate respondent No.3.

Transfer is an incidence of service. No person working on a transferable post can claim to be posted at a particular place. It is for the employer to see that who should be posted where in the interest of better functioning of the department as also public interest. It is the settled view of the Apex Court that unless the order of transfer is vitiated by malafide or extraneous considerations or is against any statutory Rule or the Act, it cannot be interfered with by a Court of Law.

Learned counsel for the petitioner could not point out any ground of malafide, or extraneous considerations or that the order has been passed against any Statutory Rule or the Act.

I do not find any reason to interfere with the order of transfer of the petitioner.

The petition has no merits. The same is dismissed at the motion stage itself.

In view of the above, Caveat Petition filed by respondent No.3 stands discharged.

Sd/-
Sunil Kumar Sinha
Judge

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